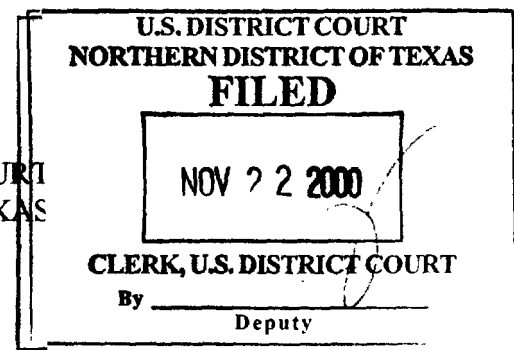


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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



STEPHEN E. JONES, et al.,

Plaintiffs

VS.

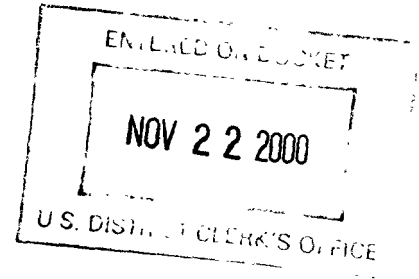
GOVERNOR GEORGE W. BUSH, et al.,

Defendants

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Civil Action No. 3:00-CV-2543-D

**ORDER**



I

Plaintiffs' November 22, 2000 emergency motion for certification to the United States Court of Appeals for the Fifth Circuit or to the Supreme Court of the United States is denied.

First, plaintiffs seek to develop and rely on facts to support their claim. This court, not an appellate court, is best suited to find facts. Second, although plaintiffs complain of possible delay in this court in obtaining a ruling on the merits, the court is confident that it can act expeditiously. Plaintiffs filed their application for an *ex parte* temporary restraining order on November 20, 2000. Within minutes of that filing, the court ruled on it and issued a written decision. The court is deciding this emergency motion within minutes of receiving it. The court on November 20, 2000 established an expedited procedure for considering plaintiffs' application for a preliminary injunction. Once plaintiffs file and serve their supporting materials and brief, defendants will have only 3 business days to respond. Plaintiffs can either reply within 2 business days or can waive their right of reply, in which case the matter will be ripe immediately. The Electors do not meet until December 18, 2000. This court can decide the issues presented, even if an evidentiary hearing or oral argument is necessary, with sufficient time before December 18, 2000 to permit plaintiffs or defendants to appeal

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to the United States Court of Appeals for the Fifth Circuit and/or to the Supreme Court of the United States.

Any delay since November 20, 2000 is attributable to plaintiffs, who need only file and serve their supporting materials before the clock commences for defendants to respond. The court is aware, by copy of correspondence, that counsel for at least one defendant has communicated with plaintiffs' counsel, which suggests that plaintiffs will not have difficulty serving the required papers on short notice.

## II

In their emergency amended complaint, plaintiffs request various forms of expedited relief, including expedited discovery and consolidation of adjudication of their preliminary injunction application trial with trial on the merits. Defendants shall have until Monday, November 27, 2000 at noon to file a written response to the requests contained in the emergency amended complaint.

**SO ORDERED.**

November 22, 2000.



SIDNEY A. FITZWATER  
UNITED STATES DISTRICT JUDGE